UNITED STATES PATENT AND TRADEMARK OFFICE

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10/782,963	02/23/2004	Denny Chiu	16813-5US	7567

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OGILVY RENAULT LLP	KARIKARI, KWASI	
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

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If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

DETAILED ACTION

1.   The Art Unit location of your application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this

application should be directed to Art Unit 2617.

2.   Claims 2 and 13 have been canceled.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

01/30/2006 has been entered.

Response to Arguments

4.   Applicant's arguments with respect to claims 1,3-12 and 14-20 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed inventions are

directed to non-statutory subject matter. The claimed subject matter in the instant

application fails to define a result in the process that is being claimed. The Examiner

has determined that claim 1 and the claims that depend thereof (i.e., claims 2-9), fail to

provide a practical application that produces a useful, tangible and concrete result.

Claim 20 provides evidence that claim 1 constitute a disembodied computer algorithm

or steps.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in

section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such

that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in

which the invention was made.

Claims 1,3-12 and 14-20 are rejected under U.S.C. 103(a) as being unpatentable

over Martinez(U.S. 20020142792 A1), (hereinafter Martinez) in view of Moton, Jr. et

al., (U.S. 7,116,977), (hereinafter Moton).

Regarding **claims 1 and 20,** Martinez discloses a method for enabling a user of a

mobile device to control notification of the events, the method comprising steps of:

enabling a user to temporarily select a first user notification profile defined by a

first set of notification control options selected by the user of the mobile device (see Par.

[0004 and 0005]), wherein the device is capable of comparing both a time parameter

and location parameter enabling the user to define any arbitrary switch condition by

direct specifying a least one of the time parameter and location parameter (triggers can

be sensed including time of the day and location of the phone, see Pars. [0009 and

0021-23]); and

switching automatically to a second user notification profile (detection of two

specified conditions results in changing of user preference information of home

environment to work environment, see Par. [0022]; and cellular phone will operate to

select user performance information corresponding to the meeting, see Par. [0023]) a

switch condition defined by the user (meeting time period corresponds to the switching

condition, see Par. [0023]) is satisfied the second user notification profile being defined

by preset notification control option (switching from audible ring tone to vibrate only, see

Par. [0023]) and (see planned activity in Par. [0022]; scheduled meeting in Par. [0023];

method of selecting an operational of user preference information in Par. [0009] and

user assigning various sensed conditions in Par. [0029]; whereby these cited

paragraphs indicate that the specific conditions and the user preference information are

assigned/selected by a user); but fails to specifically teaches that the location parameter

with the current time and location are determined using at least one of a cellular base

station or a Global Positioning System (GPS).

However, the proceeding limitations are disclose in the system of Morton wherein the server 102 uses location information from location systems 106 and 112; and identity information to activate service features subscribed by a subscriber (see col. 5, line 4- col. 6, line 19; col. 9, lines 39-66 and table 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

Regarding **claim 3**, Martinez further discloses the method of claim 1 wherein said switch condition is defined in relationship with both the time and location parameters (condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Pars. [0009 and 0022]).

Regarding **claims 4**, as recited in claim 1, Martinez fails specifically to mention that said current location is determined only using Global Positioning System.

However, Morton teaches that the system includes one or both network-based location systems 106 and 112 (see col. 5, lines 4-19 and col. 4, line 58- col. 5, line 61).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

Regarding **claim 5,** Martinez further discloses the method of claim 1 comprising storing

the switch condition in association with one of the first and second user notification

profiles to facilitate re-use of a stored switch condition (user's preference information

such as ring tone and volume of the cellular is automatically selected when a specified

condition is sensed, see Par. [0008]).

Regarding **claim 6,** Martinez further discloses the method of claim 5 wherein defining

the switch condition comprises accessing the stored switch condition for re-use (setting

the meeting start and finish times, see Par. [0023]).

Regarding **claims 7-9,** Martinez's teaching of switching procedure from one profile to

another and the corresponding automatic user preference settings such as ring volume,

vibrate and ring tone (see Par. [0021 and 0023]), meets the claimed limitations

of claims 7-9.

Regarding **claim 10,** Martinez further discloses a mobile device for managing events,

wherein the device is capable of comparing of time and location parameters, (see Par.

[0022]), the device comprising:

a user interface for the notification of the events, (user preference such as

meeting hours, traveling times corresponds to user's notification options such as phone

silent, ring tone and ring volume, see Par. [0021]); of the notification being controlled by

a current one of a plurality of user notification, each profile being defined by notification

options, said user interface comprising:

a profile switch component to automatically switch the current profile to the next

profile selected from plurality of profiles in response to a switch condition being satisfied

(Fig. 1 shows an example of switching from a home to a work and to a meeting profiles);

a profile enablement component to enable a user to select one of said profile to

be temporarily activated as the current profile and to enable the user to define the

condition that causes the current profile to switch to the next profile by directly

specifying the switching condition in terms of at least one of the time and a location

parameter (see Pars. [0009 and 0021-26] and Fig. 5A) and (see planned activity in

Par. [0022]; scheduled meeting in Par. [0023]; method of selecting an operational

of user preference information in Par. [0009] and user assigning various sensed

conditions in Par. [0029]; whereby these cited paragraphs indicate that the specific

conditions and the user preference information are assigned/selected by a user); but

fails to specifically teaches current time and location are determined using at least one

of a cellular base station or a Global Positioning System (GPS).

However, the proceeding limitations are disclose in the system of Morton wherein

the server 102 uses location information from location systems 106 and 112; and

identity information to activate service features subscribed by a subscriber

(see col. 5, line 4- col. 6, line 19; col. 9, lines 39-66 and table 1).

It would therefore have been obvious to one of the ordinary skill in the art to

combine the teaching of Moton with the system of Martinez for the benefit of achieving a

system that includes GPS and GIS systems to provide redundancy, accuracy and

reliability (see Moton, col. 5, lines 4-19).

Regarding **claim 11**, Martinez further discloses the device of claim 10 wherein the

profile enablement component enables the user to define switch conditions for more

than one of said profiles (condition/trigger which can be sensed include type of day and

the location of the cellular telephone, see Par. [0009]).

Regarding **claim 12,** Martinez further discloses the device of claim 11 wherein the

profile enablement component defines switch conditions in response to both the time

parameter and the device location parameter (condition/trigger which can be sensed

include type of day and the location of the cellular telephone, see Pars. [0009

and 0021]).

Regarding **claim 14,** Martinez further discloses the device of claim 10 comprising a

switch condition monitoring component to monitor the satisfaction of the switch

condition to determine the automatic switching (user's preference is selected based on

detection of movement into the public network, see Par. [0023]).

Regarding **claim 15,** Martinez further discloses the device of claim 11, wherein the user

interface is adapted to store the switch condition in association with one of the profiles

to facilitate re-use of the switch condition (user's preference information such as ring

tone and volume of the cellular is automatically selected when a specified condition is sensed, see Par. [0008]).

Regarding **claim 16,** Martinez further discloses the device of claim 15 wherein the profile enablement component is adapted to access the stored switch condition for re-use (setting the meeting start and finish times, see Par. [0023]).

Regarding **claim 17,** Martinez further discloses the device of claim 10, wherein the profile enablement component comprises a further switch condition that, if satisfied, automatically switches from next profile to a new next profile (moving from one of the user's preference to the next upon detection of a specific condition, see Fig. 1).

Regarding **claim 18,** Martinez further discloses the device of claim 17 wherein the next profile is defined in accordance with a last profile enabled immediately prior to the current profile such that said profile switch component switches back to the last profile (cellular phone operates according to user's setting such as meeting, and at a specific time period, until switching to another setting at the end of the meeting, see Par. [0023]).

Regarding **claim 19,** as recited in claim 10, Martinez further discloses the device, wherein the profile component can be programmed to temporarily activate one of the

plurality of user notification profiles for a user-determined period of time (see Pars.

[0009 and 0021-26] and Fig. 5A).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Chern et al., (U.S. 20020010000 A1) teaches a knowledge-based information retrieval

system and method for wireless communication device.

Elsey et. al., (U.S. 20040259535 A1) teaches a technique for providing personalized

information and communication services.

Andrew et. al. (U.S. 20040203656 A1) teaches a system and method for timed profile

change on a mobile device.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kwasi Karikari whose telephone number is

571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Kwasi Karikari
Patent Examiner.
   02/19/2007

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